

Minutes of the Planning Commission meeting held on Thursday, March 19, 2009, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present:        Jeff Evans, Chair  
                    Jim Harland, Vice-Chair  
                    Ray Black  
                    Karen Daniels  
                    Kurtis Aoki  
                    Tim Taylor  
                    Sheri Van Bibber  
                    Tim Tingey, Community & Economic Development Director  
                    G.L. Critchfield, Deputy City Attorney  
                    Citizens

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Jeff Evans opened the meeting and welcomed those present. He invited a boy scout to introduce himself to the Council. Nathan Taylor from Boy Scout Troop 93 was present to earn a merit badge in communications.

#### APPROVAL OF MINUTES

Karen Daniels made a motion to approve the minutes from February 19, 2009. Seconded by Tim Taylor.

A voice vote was made. The minutes were approved unanimously, 7-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest noted regarding this agenda.

#### APPROVAL OF FINDINGS OF FACT

Jim Harland made a motion to approve the Findings of Fact related to a Conditional Use Permit for storage containers located at 4893 South Commerce Drive, #E (Rear). Seconded by Karen Daniels.

A voice vote was made. The Findings of Fact was approved unanimously, 7-0.

Tim Taylor made a motion to approve the Findings of Fact related to the Stratler Subdivision properties located at 5935, 5941, 5947 South Stratler Street. Seconded by Sheri Van Bibber.

A voice vote was made. The Findings of Fact was approved unanimously, 7-0.

#### EASY BUY AUTO SALES – 174 West 4800 South #4

This item was moved to the end of the agenda as the applicant was not present.

WHY'RD – 4284 South Commerce Drive

Michael Burnett was the applicant present to represent this request. Tim Tingey reviewed the location and the request for a 6 month time extension for mobile offices located on the property at 4284 South Commerce Drive. The property is located within the M-G-C zone. A Conditional Use Permit was previously issued for mobile offices. The Planning Commission has the authority to grant an additional 6 month extension. The company is moving forward with some plans for a permanent location in an existing building and has submitted building permits. Staff is recommending approval of the time extension.

Michael Burnett, 4300 Commerce Drive, stated that he had nothing to add to Mr. Tingey's presentation. They are behind schedule on the permanent building and are working to get it finished. He confirmed that he has received a copy of the staff's recommendations and confirmed that he will comply with the conditions.

Tim Taylor asked if a 6 month extension would offer sufficient time for the new building to be finished. Mr. Burnett responded that the main building work has been started. Power had to be brought back to the property and the building had to be re-roofed due to various leaks and poor condition. He anticipates that they'll move into one of the smaller buildings initially while work on the larger building continues. There have been problems during construction with vandals getting into the building and breaking through walls to tear out all the copper plumbing. There has been some additional engineering work required to make sure the floors and stairwells are properly supported.

Sheri Van Bibber asked if the approval for an extension has to be effective as of the original date on the Conditional Use Permit. Mr. Tingey clarified the ordinance and stated that the extension would have to be effective as of February 7, 2009.

There were no public comments related to this item.

Jim Harland made a motion to approve a Temporary Conditional Use Permit for Why'rd, for a 6 month time extension for the mobile offices at 4284 South Commerce Drive, subject to conditions:

1. The Murray Building Official will require compliance to the building codes.
2. Meet all Murray Fire Department requirements including to meet current building and fire codes.
3. Meet all Murray City Power, Water and Sewer Department requirements.

Seconded by Kurtis Aoki.

Call vote recorded by Tim Tingey.

A Mr. Harland

A Mr. Aoki

A Mr. Taylor

A Ms. Daniels

A Mr. Evans

A Ms. Van Bibber

A Mr. Black

Motion passed, 7-0.

EASY BUY AUTO SALES – 174 West 4800 South #4

Tim Tingey stated that because the applicant was not present, the Commission has a few options on how to proceed with this item. The applicant has been advised of the time and has been sent a copy of the staff report. The Commission can still decide whether to approve or deny the application, or defer the motion until the next meeting. Mr. Aoki asked what should be done in a situation where there are public comments related to the item and an applicant isn't present to respond. Mr. Tingey responded that the Commission would have the option to defer the issue if there was not enough information to make a decision, and that is a risk the applicant takes by not being present at the meeting.

Jeff Evans asked if there was anyone in the audience that wished to comment on this agenda item. No comments were made on this item. The Commission members had a discussion about reviewing this item without the applicant present. It was decided to move forward with this agenda item.

Tim Tingey reviewed the location and request for a Conditional Use Permit for motor vehicle sales. The property is located in the M-G-C zone. There is an existing building on the site with parking and landscaping. One of the questions on the site plan related to parking, and staff has determined that the disabled spaces need to be more clearly identified. Staff is recommending approval. The landlord had some concerns about some of the standards outlined and has discussed those with staff.

Jim Harland clarified that if the Commission approves this Conditional Use Permit, with conditions, that the applicant will not be able to obtain a business license until the conditions are met.

Karen Daniels asked what concerns the landlord had regarding the conditions. Mr. Tingey responded that this is an existing site, and there are already some tenants at this location. In the past these conditions have not been met. Over time, there have been some problems with screening of trash containers. The landlord's concern was about having to make improvements to the entire site for this particular request.

There were no public comments on this item.

Karen Daniels stated that the application indicates there will be cars stored on site, both inside and outside. Tim Tingey responded that they can display cars for sale on the outside, and there are adequate parking spaces for some of the cars to be stored outside. The applicant has indicated that they purchase many of their cars from auctions. Often those vehicles don't even come to the site, and are sold directly from the auction site.

Kurtis Aoki asked what the difference is between storage and a salvage yard. Mr. Tingey responded that storage is probably not the right term to use, that this business is displaying automobiles for sale. A salvage yard is storage of inoperable vehicles, which is not allowed on this site.

Karen Daniels made a motion to approve the Conditional Use Permit for Easy Buy Auto Sales, located at 174 West 4800 South, #4, subject to conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. Prior to approval of a business license, all trash containers shall be screened as required by Section 17.76.170.
4. Prior to approval of a business license, a minimum of four disabled person parking spaces shall be provided on site. Spaces shall be striped and painted (or repainted) and shall meet the minimum dimension standards. Signage for the spaces shall be provided where required by law.

Seconded by Sheri Van Bibber.

Call vote recorded by Tim Tingey.

A Ms. Daniels  
A Ms. Van Bibber  
A Mr. Aoki  
A Mr. Taylor  
A Mr. Evans  
A Mr. Harland  
A Mr. Black

Motion passed, 7-0.

Ray Black questioned that the applicant does not need to be present to have a decision made on the application. Mr. Tingey confirmed that the applicant does not need to be present.

There were no other business items for discussion.

Meeting adjourned.

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B. Tim Tingey  
Director of Community & Economic Development